

CHAPTER 43-19.1

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

43-19.1-01. General provisions. In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering and land surveying in this state is hereby declared to be subject to regulation in the public interest, and it hereby is declared necessary that a state board of registration for professional engineers and land surveyors be established, which in the exercise of its powers is deemed to be an administrative agency within the purview of chapter 28-32. It is unlawful for any person to practice, or to offer to practice, professional engineering or land surveying in this state, as defined in the provisions of this chapter, or to use in connection with the person's name or otherwise assume, or advertise any title or description tending to convey the impression that the person is an engineer or land surveyor, unless such person has been duly registered or exempted under the provisions of this chapter. The right to engage in the practice of engineering or land surveying is deemed a personal right, based on the qualifications of the individual as evidenced by the individual's certificate of registration, which is not transferable.

43-19.1-02. Definitions. In this chapter unless the context or subject matter otherwise requires:

1. "Board" means the state board of registration for professional engineers and land surveyors hereinafter provided by this chapter.
2. "Engineer" means a professional engineer, as defined in subsection 8.
3. "Engineer-in-training" means a person who complies with the requirements for education, experience, and character, and has passed an examination in the fundamental engineering subjects, as provided in sections 43-19.1-12 and 43-19.1-15.
4. "Land surveying" means any service comprising the determination of the location of land boundaries and land boundary corners; incidental topography; the preparation of maps showing the shape and area of tracts of land and their subdivision into smaller tracts; the preparation of maps showing the layouts of roads, streets, and rights of way of same to give access to smaller tracts; and the preparation of official plats or maps of land within this state.
5. "Land surveyor" means any person engaged in the practice of land surveying.
6. "Land surveyor-in-training" means a person who complies with the requirements for education, experience, and character, and has passed an examination in the fundamentals of mathematics and the basic principles of land surveying as required in this chapter and as established by the board.
7. "Practice of engineering and practice of professional engineering" means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, engineering teaching of advanced engineering subjects or courses related thereto, engineering surveys, and the inspection of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces such service or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, or projects as are incidental to the practice of engineering. A person must be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents

that the person is an engineer, or through the use of some other title implies that the person is an engineer or that the person is registered under this chapter; or who holds out as able to perform, or who does perform any engineering service or work or any other service which is recognized as engineering, for a valuable consideration for others including the public at large, but does not mean or include the practice of engineering by persons exempt under the provisions of section 43-19.1-29, nor the work ordinarily performed by persons who operate or maintain machinery or equipment. Notwithstanding the foregoing provisions, a person may not be construed to practice engineering unless that person offers engineering services to, or performs such engineering for, the public.

8. "Professional engineer" means a person who, by reason of special knowledge or use of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering, and who has been duly registered and licensed by the state board of registration for professional engineers and land surveyors.
9. "Responsible charge" means direct control and personal supervision of engineering or surveying work.
10. "Retired registrant" means a duly registered professional engineer or land surveyor who is not engaged in active professional practice and is not required to meet the continuing professional education requirements as prescribed by the board. A retired registrant is issued a certificate of registration indicating "retired" status.
11. "The practice or offer to practice surveying" includes the engagement of any person in land surveying or the representation by any person by verbal claim, sign, letterhead, card, or in any other manner, that such person is a land surveyor and is able to perform land surveying in this state.

43-19.1-03. Board - Appointments - Terms. A state board of registration for professional engineers and land surveyors is hereby created whose duty it is to administer the provisions of this chapter. The board consists of four professional engineers who must be appointed by the governor from among a list of nominees submitted to the governor by the North Dakota society of professional engineers who must have the qualifications required by section 43-19.1-04, such list to contain the names of at least three times the number of nominees as there are vacancies to be filled and one professional land surveyor. The governor shall appoint the land surveyor member of the board from a list of nominees submitted by the North Dakota society of professional land surveyors. The list must include the names of at least three nominees for the vacancy to be filled. The members must possess the qualifications required by section 43-19.1-04. The members of the board must be appointed for five-year terms which are staggered so the term of one member expires June thirtieth of each year. The first professional land surveyor on the board must be appointed for a five-year term beginning July 1, 1984. Existing board members shall serve until their term expires. Each member of the board shall receive a certificate of appointment from the governor and shall file with the secretary of state a written oath or affirmation for the faithful discharge of the member's official duties. On the expiration of the term of any member, the governor shall appoint for a term of five years a board member having the qualifications required in section 43-19.1-04, to take the place of the member whose term on the board is about to expire. A member may be reappointed. Each member shall hold office until the expiration of the term for which appointed or until a successor has been duly appointed and has qualified.

43-19.1-04. Board - Qualifications. Each of the professional engineer board members must be a professional engineer, who is a citizen and resident of this state, has been registered in this state a minimum of eight years, has been engaged in the lawful practice of engineering for at least twelve years, and who has had responsible charge of important engineering work for at least five years and the professional land surveyor board member must be a registered land surveyor, who is a citizen and resident of this state who has been registered as a professional

land surveyor in this state a minimum of eight years and has been responsible for important land surveying work for at least five years.

43-19.1-05. Board - Compensation and expenses. Each member of the board shall receive the sum of twenty-five dollars per diem when attending to the work of the board or any of its committees and for the time spent in necessary travel; and, in addition thereto, must be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

43-19.1-06. Board - Removal of members - Vacancies. The governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any sufficient cause, in the manner prescribed by law for removal of state officials. Vacancies in the membership of the board must be filled for the unexpired term by appointment by the governor as provided in section 43-19.1-03.

43-19.1-07. Board - Organization and meetings. The board shall hold at least two regular meetings each year. Special meetings may be held as the bylaws of the board provide. The board shall elect or appoint annually the following officers: a chairman, a vice chairman, and a secretary. A quorum of the board consists of not less than three members.

43-19.1-08. Board - Powers. The board has the following powers:

1. To adopt and amend all bylaws, rules of procedure, and regulations to administer and carry out the provisions of this chapter and for the conduct of its affairs and functions not inconsistent with the constitution and laws of this state or this chapter, which may be reasonably necessary for the proper performance of its duties and the regulation of its proceedings, meetings, records, examinations, and the conduct thereof, and to adopt and promulgate a code of ethics which shall be binding upon all persons registered under or subject to this chapter.
2. To adopt and have an official seal, which must be affixed to each certificate issued.
3. To employ such clerks, technical experts, and attorneys as it may deem necessary or desirable to carry out the provisions of this chapter.
4. To hold hearings, administer oaths, take and record testimony, and under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance; and to require the submission of books, papers, documents, or other pertinent data in any disciplinary matters, or in any case wherever a violation of this chapter or of the rules or regulations promulgated by the board is alleged; and to make findings, orders, and determinations which have the force and effect of law, which are subject to review by the courts of this state in the manner provided by chapter 28-32. Upon failure or refusal of any person to comply with any such order of the board, or to honor its subpoena, the board may apply to a court of any jurisdiction to enforce compliance with same.
5. To apply in the name of the state for relief by injunction, without bond, to enforce the provisions of this chapter, or to restrain any violation thereof. In such proceedings, it is not necessary to allege or prove, either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from the continued violation thereof. The members of the board are not personally liable under this proceeding.

43-19.1-09. Receipts and disbursements. The secretary of the board shall receive and account for all moneys derived under the provisions of this chapter, and shall deposit and disburse the same in accordance with section 54-44-12. The secretary shall give a surety bond to the state in such sum as may be required by the board. The premium on said bond must be regarded as a proper and necessary expense of the board. The secretary shall receive such salary as the board shall determine. The board shall employ such clerical or other assistants as

are necessary for the proper performance of its work, and shall make expenditures of this fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this chapter, including but not limited to, the expenses of the board's delegates to meetings of, and membership fees to, the national council of state boards of engineering examiners and any of its subdivisions. Under no circumstances may the total amount of warrants issued in payment of the expenses and compensation provided for in this chapter exceed the amount of moneys collected.

43-19.1-10. Records and reports. The board shall:

1. Keep a record of its proceedings and of all applications for registration, which record must show the name, age, and last-known address of each applicant; the date of application, the place of business of such applicant, the applicant's education, experience, and other qualifications; type of examination required; whether or not the applicant was rejected; whether or not a certificate of registration was granted; the date of the action of the board; and such other information as may be deemed necessary by the board; which record of the board is prima facie evidence of the proceeding of the board and a transcript thereof, duly certified by the secretary under seal, is admissible as evidence with the same force and effect as if the original were produced.
2. Annually, as of January first, submit to the governor a report of its transactions of the preceding year, and shall transmit to the governor a complete statement of the receipts and expenditures of the board, attested by affidavits of its chairman and its secretary.

43-19.1-11. Roster. A complete roster showing the names and last-known addresses of all registered engineers and registered land surveyors must be published by the secretary of the board at intervals as established by board regulations. Copies of this roster must be mailed to each person so registered, placed on file with the secretary of state and all county auditors and city auditors and may be distributed or sold to the public.

43-19.1-12. General requirements for registration. To be eligible for registration as a professional engineer or land surveyor, or certification as an engineer-in-training or land surveyor-in-training, an applicant must be of good character and reputation and shall submit a written application to the board containing such information as the board may require together with five references, three of which references must be registered engineers in the case of engineers, or three of which references must be registered land surveyors in the case of land surveyors, having personal knowledge of the applicant's engineering or land surveying experience, or in the case of an application for certification as an engineer-in-training or land surveyor-in-training, by three character references.

43-19.1-12.1. Conviction not bar to registration - Exceptions. Conviction of an offense does not disqualify a person from registration under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as an engineer and land surveyor, or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

43-19.1-13. Registration without examination - Professional engineers. An applicant otherwise qualified must be admitted to registration as a professional engineer without examination if the applicant is:

1. A person holding a certificate of registration to engage in the practice of engineering, on the basis of comparable qualifications, issued to that person by a proper authority of a state, territory, or possession of the United States, the District of Columbia, or any foreign country and who, in the opinion of the board, based upon verified evidence, meets the requirements of this chapter;

2. A person holding a certificate of qualification issued by the national bureau of engineering registration, who in the opinion of the board meets the requirements of this chapter; or
3. Any person registered as a professional engineer by the state of North Dakota under the provisions of chapter 43-19, on the thirtieth day of June 1967.

43-19.1-14. Registration with examination - Professional engineers. An applicant otherwise qualified must be admitted to registration as a professional engineer, if the applicant has successfully passed a written examination of not less than eight hours in the principles and practice of engineering, as prescribed by the board, and has one of the following additional qualifications:

1. Is a graduate of an engineering curriculum of four years or more approved by the board as being of satisfactory standing, and with a specific record of an additional four years or more of experience in engineering work of a grade and character which indicates to the board that the applicant may be competent to practice engineering, and who holds a valid engineer-in-training certificate.
2. Is a person who has satisfactorily completed a four-year engineering curriculum not approved by the board, and eight years or more of progressive experience in engineering work of a character and grade which indicates to the board that the applicant is competent to practice engineering, and who holds a valid engineer-in-training certificate.
3. Is a person with a specific record of at least twenty years of lawful practice in engineering work during at least ten years of which the applicant has been in responsible charge of important engineering work which is of a grade and character which indicates to the board that the applicant is competent to practice engineering, and who holds a valid engineer-in-training certificate as of July 1, 2004.
4. Is a person with experience of not less than four years as a teacher of engineering in a college or university offering an approved engineering curriculum of four years or more, and who has had a minimum of two years of practical engineering experience which is of a character and grade which indicates to the board that the applicant is competent to practice engineering.
5. Is a person who has satisfactorily completed a four-year or more engineering-related curriculum and twelve years or more of progressive experience in engineering work of a character and grade which indicates to the board that the applicant is competent to practice engineering and holds a valid engineer-in-training certificate.

43-19.1-15. Additional qualifications of engineers-in-training. Except in the case of a person who has filed an application prior to July 1, 1967, and any subsequent reapplication by such person, an applicant otherwise qualified must be admitted to certification as an engineer-in-training which certification is valid for a period of twelve years, if the applicant is a person who is:

1. A graduate of an approved engineering curriculum of four years or more approved by the board and has passed the board's written examination of not less than eight hours in the fundamentals of engineering shall be certified or enrolled as an engineer-in-training.
2. An applicant who has satisfactorily completed a four-year engineering curriculum other than the ones approved by the board and who has a specific record of four or more years of experience in engineering work of a grade and character satisfactory to the board and who passes the board's written examination of not less than eight hours in the fundamentals of engineering.

3. An applicant who has satisfactorily completed a four-year engineering-related curriculum and who has a specific record of six or more years of experience in engineering work of a grade and character satisfactory to the board and who passes the board's written examination of not less than eight hours in the fundamentals of engineering.

43-19.1-16. Registration - Land surveyor. Any person who shows, to the satisfaction of the board, that the person is otherwise qualified and is over the age of eighteen years is eligible for registration as a land surveyor, if the person is:

1. A person holding a certificate of registration to engage in the practice of land surveying issued on the basis of a minimum sixteen-hour written examination by proper authority of a state, territory, possession of the United States, the District of Columbia, or any foreign country, based on requirements and qualifications as shown by the person's application, which, in the opinion of the board, are equal to or higher than the requirements of this chapter;
2. A graduate from an accredited engineering or surveying curriculum of four years or more, approved by the board, followed by at least four years of land surveying experience, of a character satisfactory to the board; and who has passed a written examination of not less than sixteen hours designed to show that the person is qualified to practice land surveying;
3. A person having eight years or more of active experience in land surveying, of a character satisfactory to the board, and who has passed a written examination of not less than sixteen hours designed to show that the person is qualified to practice land surveying; or
4. A person registered as a land surveyor by the state of North Dakota, under the provisions of former chapter 43-24, on the thirtieth day of June 1967.

43-19.1-16.1. Qualifications of land surveyors-in-training. An applicant for certification as a land surveyor-in-training who has had a minimum of four years of qualifying land surveying experience of a character satisfactory to the board, of which a formal education in an accredited engineering or land surveying curriculum may constitute a part thereof, may receive from the board, upon passing a written examination on the fundamentals of mathematics and the basic principles of land surveying, a certificate stating that the applicant has passed the examination and been recorded as a land surveyor-in-training.

43-19.1-17. Application for registration. Application for registration as a professional engineer or land surveyor, and for certification as an engineer-in-training or land surveyor-in-training, must be on a form prescribed and furnished by the board containing statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical experience, and references as required by this chapter and accompanied by registration fees.

43-19.1-18. Registration fees. The board shall establish registration fees for professional engineers, engineers-in-training, land surveyors, and land surveyors-in-training in the amount the board determines necessary to accomplish the purposes of the board as provided in this chapter. The registration fees may not exceed the amount of one hundred dollars for a one-year period or two hundred dollars for a two-year period. If the board denies the issuance of a certificate to an applicant, the fee paid may be retained as an application fee.

43-19.1-19. Examinations. Written examinations must be held at such times and places as the board shall determine. Examinations required on fundamental engineering or land surveying subjects may be taken at any time prescribed by the board. The final examinations may not be taken until the applicant has completed a period of engineering or land surveying experience as provided in this chapter. The passing grade on any examination may not be less than seventy percent. A candidate failing one examination may apply for reexamination, which

may be granted upon payment of a fee established by the board in an amount not in excess of the regularly established registration fee. Any candidate for registration having an average grade of less than fifty percent may not apply for reexamination for one year from the date of such examination.

43-19.1-20. Certificates. The board shall issue a certificate of registration upon payment of the registration fee as provided for in this chapter, to any applicant who, in the opinion of the board, has met the requirements of this chapter. Enrollment cards must be issued to those who qualify as engineers-in-training and land surveyors-in-training. Certificates of registration must carry the designation "professional engineer" or "land surveyor", must show the full name of the registrant without any titles, must be numbered, and must be signed by the chairman and the secretary under seal of the board. The issuance of a certificate of registration by the board is prima facie evidence that the person named on the certificate is entitled to all rights and privileges of a professional engineer or land surveyor during the term of which the certificate providing the same has not been revoked or suspended.

43-19.1-21. Seals. Each registrant hereunder may upon registration obtain a seal of the design authorized by the board, bearing the registrant's name, serial number, and the legend, "registered professional engineer" or "registered land surveyor". Final engineering drawings, specifications, maps, plats, reports, or other documents prepared by a person required to be registered under this chapter must, when issued, be signed and stamped with the said seal or facsimile thereof. It is unlawful for a registrant to affix or permit the registrant's seal and signature or facsimiles thereof to be affixed to any engineering drawings, specifications, maps, plats, reports, or other documents after the expiration or revocation or during the suspension of a certificate, or for the purpose of aiding and abetting any other person to evade or attempt to evade any provision of this chapter.

43-19.1-22. Expirations and renewals. Certificates of registration expire on December thirty-first of the year of their issuance if registration is on an annual basis and of the year after their issuance if issued on a biennial basis, and become invalid after that date unless renewed. The secretary of the board shall notify every person registered under this chapter of the date of the expiration of that person's certificate of registration and the amount of fee required for its renewal. The notice must be mailed to the registrant at the registrant's last-known address at least one month in advance of the expiration of the registrant's certificate. Renewal may be effected at any time before or during the month of December by the payment of a fee as established by the board, not to exceed the fees established in section 43-19.1-18. Renewal of an expired certificate may be effected under rules adopted by the board regarding requirements for reexamination and penalty fees.

43-19.1-23. Reissuance of certificates. A new certificate of registration to replace any certificate lost, destroyed, or mutilated, may be issued subject to the rules of the board. A reasonable charge must be made for such issuance.

43-19.1-24. Code of ethics. The board shall cause to have prepared and shall adopt a code of ethics, a copy of which must be delivered to every registrant and applicant for registration under this chapter, and which must be published in the roster provided for herein. Such publication constitutes due notice to all registrants. The board may revise and amend this code of ethics from time to time, and shall forthwith notify each registrant in writing of such revisions or amendments. Such code of ethics when adopted applies to all certificate holders, including specialists in a particular branch of the engineering or surveying profession.

43-19.1-24.1. Engineer not liable for contractor's fault unless responsibility assumed - Liability for own negligence. An engineer is not liable for the safety of persons or property on or about a construction project site, or for the construction techniques, procedures, sequences and schedules, or for the conduct, action, errors, or omissions of any construction contractor, subcontractor, or material supplier, their agents or employees, unless the engineer assumes responsibility therefor by contract or by the engineer's actual conduct. Nothing herein may be construed to relieve an engineer from liability for negligence, whether in the engineer's design work or otherwise.

43-19.1-25. Disciplinary action - Revocations, suspensions, or reprimand. The board has the power to suspend, refuse to renew, or revoke the certificate of registration of, or reprimand, any registrant. In an order or decision issued by the board in resolution of a disciplinary proceeding in which disciplinary action is imposed against a registrant, the board may direct a registrant to pay the board a sum not to exceed the reasonable and actual costs, including reasonable attorney's fees, incurred by the board and its investigative panels in the investigation and prosecution of the case. Notwithstanding section 28-32-50, if a registrant is the prevailing party in an administrative appeal of a disciplinary action taken by the board under this section, the board shall pay the registrant's reasonable and actual costs, including reasonable attorney's fees. These powers apply to any registrant who is found guilty of any of the following:

1. The practice of any fraud or deceit in obtaining a certificate of registration.
2. Any gross negligence, incompetence, or misconduct in the practice of engineering or land surveying.
3. Any offense determined by the board to have a direct bearing upon a person's ability to serve the public as a professional engineer and land surveyor; or when the board determines, following conviction of any offense, that a person is not sufficiently rehabilitated under section 12.1-33-02.1.
4. The violation of the code of ethics adopted and promulgated by the board.

43-19.1-26. Disciplinary action - Procedure. Any person may prefer charges of fraud, deceit, gross negligence, incompetence, misconduct or violation of the code of ethics against any individual registrant. Such charges must be in writing and must be sworn to by the person or persons making them and must be filed with the secretary of the board. All charges, unless dismissed by the board as unfounded or trivial, must be heard by the board within three months after the date on which they have been preferred. The time and place for said hearing must be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, must be served upon the accused either personally or sent by registered or certified mail to the last-known address of such individual registrant at least thirty days before the date fixed for hearing. At any hearing the accused registrant has the right to appear in person or by counsel, or both; to cross-examine witnesses appearing against the accused; and to produce evidence and witnesses in defense of the accused. If the accused person fails or refuses to appear, the board may proceed to hear and determine the validity of the charges. If after such hearing a majority of the board vote in favor of sustaining the charges, the board shall make findings of fact, draw its conclusions and issue its order therein, and serve the same upon the accused. In said order the board may reprimand, suspend, refuse to renew, or revoke the accused individual's certificate of registration. Any person who feels aggrieved by any action of the board in denying, suspending, refusing to renew, or revoking that person's certificate of registration, may appeal therefrom to the district court under the procedures provided by chapter 28-32.

43-19.1-27. Right to practice.

1. No person shall practice or offer to practice professional engineering or land surveying, as defined by this chapter, unless such person is duly registered to practice under or exempt from the provisions of this chapter.
2. The practice or offer to practice professional engineering or land surveying by registered professional engineers or registered land surveyors, organized as a partnership, incorporated as a professional corporation under the provisions of the professional corporations law of this state, or organized as a limited liability company under the professional limited liability company law of this state, or under the provisions of a similar law of any other state, is hereby authorized, provided all of the partners of such partnership, each officer and shareholder in the case of a professional corporation, or each manager and member in the case of a professional limited liability company are duly registered under or exempt from the provisions of this chapter.

3. In addition to and without impairing any rights or exemptions granted others in this chapter, the practice of or offer to practice professional engineering or land surveying as defined in this chapter, by individual engineers or land surveyors registered under this chapter either through or as an officer, employee, or agent of a partnership or corporation, or by a partnership or a corporation or limited liability company, other than a professional corporation or professional limited liability company, through individual engineers or land surveyors registered under this chapter, is permitted in this state provided:
 - a. All officers, managers, employees, and agents of such a partnership, corporation, or limited liability company who will perform the practice of engineering or of land surveying within this state for such partnership, corporation, or limited liability company are registered under this chapter;
 - b. Each person in responsible charge of the activities of any such partnership, corporation, or limited liability company, which activities constitute the practice of professional engineering and land surveying, is a professional engineer or land surveyor registered in this state or a person authorized to practice professional engineering or land surveying as provided in this chapter;
 - c. Such partnership, corporation, or limited liability company has been issued a certificate of authorization by the board as provided by subsection 4;
 - d. Each such partnership, corporation, or limited liability company shall be jointly and severally responsible with and for the conduct or acts of its agents, employees, officers, or managers in respect to any professional engineering or land surveying services performed or to be executed in this state. No individual practicing professional engineering or land surveying shall be relieved of the responsibility for the individual's conduct or acts performed by reason of the individual's employment by or relationship with such partnership, corporation, or limited liability company; and
 - e. All final drawings, specifications, plans, reports, or other engineering or land surveying papers or documents involving the practice of professional engineering or land surveyors as defined in this chapter, when issued, shall be dated and bear the seals and signatures of the professional engineers or land surveyors registered under this chapter by whom or under whose responsible charge they were prepared.
4. A partnership, corporation, or limited liability company desiring a certificate of authorization or the renewal thereof shall file a written application with the board setting forth the names and addresses of all partners of such partnership, officers and directors of such corporation, or managers and governors of such limited liability company, and the names and addresses of all employees who are duly registered to practice professional engineering or land surveying in this state, and who are or will be in responsible charge of any engineering or land surveying in this state by such partnership, corporation, or limited liability company, together with other information as the board may require. Upon the receipt of an application, and of a fee in an amount established by the board for the initial certificate or annual renewal thereof, but not to exceed the amount of one hundred dollars, the board shall issue to such partnership, corporation, or limited liability company a certificate of authorization or a renewal thereof, which certificate of authorization shall not be transferable. Should the board find an error in an application or that facts exist which would entitle the board to suspend or revoke a certificate if issued to the applicant, the board shall deny the application. Should a change occur in any of the information submitted on the application of any partnership, corporation, or limited liability company within the term of authorization, such partnership, corporation, or limited liability company shall file with the board a written report with respect thereto within thirty days after such change occurs. The provisions with respect to issuance, expiration, renewal, and

reissuance of the certificates of registration of individuals contained in this chapter shall also apply to certificates of authorization issued to partnerships, corporations, and limited liability companies under this subsection. Partnerships, corporations, or limited liability companies shall be subject to disciplinary proceedings and penalties, and certificates of authorization shall be subject to suspension or revocation for cause in the same manner and to the same extent as is provided with respect to individual persons and their certificates of registration in sections 43-19.1-26, 43-19.1-29, and 43-19.1-31. "Registrant" and "certificate of registration" in sections 43-19.1-26, 43-19.1-29, and 43-19.1-31, and the provisions of such sections, shall for the purpose of such sections be deemed to include and apply respectively to any partnership, corporation, or limited liability company holding a certificate of authorization issued under this chapter, and to such certificate of authorization.

43-19.1-28. Public works. Except as otherwise provided by law, the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of one hundred thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer. Any engineering contract executed in violation of this section is void.

43-19.1-29. Exemption clause. This chapter shall not be construed to prevent or affect:

1. The practice or offer to practice engineering by a person not a resident or having no established place of business in this state, if that person is legally qualified by registration to practice engineering, as defined in this chapter, in another state or country which extends similar privileges to persons registered under this chapter. However, that person must make an application accompanied by the appropriate application fee to the board in writing prior to practicing or offering to practice engineering, and may be granted a one-time temporary permit for a definite period of time not to exceed one year to do a specific job. No right to practice engineering accrues to any applicant with respect to any other work not set forth in the temporary permit. A land surveyor as defined in this chapter may not receive a temporary permit under this subsection.
2. The work of an employee or a subordinate of a person holding a certificate of registration under this chapter, or an employee of a person practicing lawfully under subsection 1; provided such work does not include final engineering or surveying designs or decisions and is done under the direct supervision of and verified by a person holding a certificate of registration under this chapter, or a person practicing lawfully under subsection 1.
3. The practice of engineering or surveying for a county by a person not registered under this chapter whose appointment as county engineer or county highway superintendent was in effect on January 1, 1967.
4. The practice of any other legally recognized profession or trade, nor shall it be construed to permit registered professional engineers to perform duties requiring the services of a licensed architect, as provided by the laws of the state of North Dakota licensing and regulating architects and architecture.
5. The practice of engineering and land surveying by any person regularly employed to perform engineering services solely for that person's employer or for a subsidiary or affiliated corporation or limited liability company of that person's employer, providing the engineering performed is in connection with the property, products, or services of that person's employer.

43-19.1-30. Duties of recorder. It is unlawful for the recorder of any county or any county or any proper public authority to file or record any map, plat, survey, or other document

within the definition of land surveying, which does not have impressed thereon and affixed thereto, the personal signature and seal of a registered land surveyor by whom the map, plat, survey, or other document was prepared.

43-19.1-31. Violation and penalties. Any person who practices, or offers to practice, engineering in this state without being registered in accordance with the provisions of this chapter; or any person using or employing the words "engineer" or "engineering" or "professional engineer" or "surveyor" or "land surveyor" or any modification or derivative thereof in that person's name or form of business or activity, except as authorized in this chapter; or any person presenting or attempting to use the certificate of registration or the seal of another; or any person who gives any false or forged evidence of any kind to the board or to any member thereof in obtaining or attempting to obtain a certificate of registration; or any person who falsely impersonates any other registrant of like or different name; or any person who attempts to use an expired or revoked or nonexistent certificate of registration; or who practices or offers to practice when not qualified; or any person who falsely claims that that person is registered under this chapter; or any person who violates any of the provisions of this chapter; is guilty of a class B misdemeanor. It is the duty of all duly constituted officers of the state, and of all political subdivisions thereof, to enforce the provisions of this chapter.

43-19.1-32. Duty of attorney general - Legal counsel. The attorney general of the state or the attorney general's assistant shall act as legal adviser to the board and render such legal assistance as may be necessary in carrying out the provisions of this chapter. The board may employ other counsel and necessary assistance to aid in the enforcement or administration of this chapter, and the compensation and expenses therefor must be paid from funds of the board.

43-19.1-33. Continuing professional education - Rules. The board shall adopt rules to establish continuing education requirements for professional engineers and land surveyors. Compliance with these rules must be documented at the times, and in the manner, as is required by the board. A professional engineer or land surveyor who is exempt under subsection 5 of section 43-19.1-29 but who has voluntarily registered under this chapter is exempt from the continuing professional education requirements under this section.